

SUBCHAPTER 15

DELEGATION OF SPECIAL TASKS OF NURSING CARE TO UNLICENSED ASSISTIVE PERSONNEL

§16-89-100 Purpose. Only a registered nurse has authority to practice professional nursing; therefore, only the registered nurse has authority to delegate nursing.

It is the intent of the board that the delegation of special tasks of nursing care to unlicensed assistive personnel be the exception rather than the rule unless the registered nurse can justify the need for delegation.

The board believes that unlicensed assistive personnel can be utilized to provide special tasks of nursing care under the specific delegation and supervision of a registered nurse and not under any licensed practical nurse. Nothing in this subchapter shall limit a licensed practical nurse from providing care within the scope of their practice.

A registered nurse may delegate in any setting at any time; provided that when the registered nurse is not regularly scheduled and not available to provide direct supervision, the registered nurse shall provide indirect supervision.

The purpose of this subchapter is to address those settings where a registered nurse is not required. [Eff 7/16/98] (Auth: HRS §457-5) (Imp: HRS §§457-2, 457-5)

§16-89-101 Definitions. "Delegation" means the act of authorizing one to act for another.

"Direct supervision" means that the registered nurse assesses the condition to be treated, authorizes each special task to be performed, remains on the premises, and personally evaluates the performance of the unlicensed assistive personnel.

"Indirect supervision" means that the registered nurse assesses the condition to be treated, is familiar with the client's medical history, and personally authorizes each special task to be performed. The presence of the registered nurse is not required; provided that the registered nurse shall be available for consultation.

"Special tasks" means procedures that require nursing education or that require nursing education and training in order to be performed safely.

"Supervision" means the process of critical watching, directing, and evaluating another's performance.

"Teaching" means that the registered nurse instructs an unlicensed assistive person in the appropriate method of performing a special task of nursing care.

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"Unlicensed assistive person" means an individual who is not licensed to practice nursing, but who provides tasks of nursing care delegated by a licensed registered nurse. [Eff 7/16/98] (Auth: HRS §457-5) (Imp: HRS §457-5)

§16-89-102 Settings. (a) These rules on the delegation of special tasks apply only in settings where a registered nurse is not regularly scheduled and not available to provide direct supervision. These settings include, but are not limited to:

- (1) Supervised group living settings;
- (2) Supervised or sheltered work settings;
- (3) Independent living or assisted living settings;
- (4) Schools; and
- (5) Day care centers.

(b) These rules do not apply to acute care or long term care settings or any other setting where the regularly scheduled presence of a registered nurse is required by law.

(c) These rules govern registered nurses who practice in settings where the delegation of special tasks may occur, rather than the setting itself. [Eff 7/16/98] (Auth: HRS §457-5) (Imp: HRS §457-5)

§16-89-105 Non-delegable nursing tasks. The following nursing tasks require nursing knowledge, judgment, and skill and shall not be delegated:

- (1) Initial nursing assessment or intervention;
- (2) Development of nursing diagnosis;
- (3) Establishment of the nursing care goal;
- (4) Development of the nursing care plan;
- (5) Evaluation of the client's progress, or lack of progress toward goal achievement; and
- (6) Any nursing task which requires nursing knowledge, judgment, and skill. [Eff 7/16/98] (Auth: HRS §457-5) (Imp: HRS §457-5)

§16-89-106 Delegable nursing tasks. (a) A registered nurse may delegate the special task of nursing care to an unlicensed assistive person. The delegating registered nurse retains accountability for the special tasks, provided the unlicensed assistive person is taught by the delegating registered nurse.

- (b) Special tasks of nursing care delegated by the registered nurse shall:
 - (1) Be within the area of responsibility of the delegating registered nurse;
 - (2) Be such that, in the judgment of the delegating registered nurse, it can be properly and safely performed by an unlicensed assistive person without jeopardizing the client's welfare; and
 - (3) Be a task that a reasonable and prudent registered nurse using sound nursing judgment would delegate.
- (c) A special task delegated by the registered nurse shall not require the unlicensed assistive personnel to exercise nursing judgment or intervention. [Eff 7/16/98] (Auth: HRS §457-5) (Imp: HRS §457-5)

§16-89-108 Medication administration. (a) Administration of medication is a part of the practice of nursing as a registered nurse. As such the registered nurse retains full responsibility for medication administration.

(b) The following activities related to medication administration shall not be delegated except as provided in subsection (c):

- (1) Calculation of any medication dose;
- (2) Administration of medications by injection route;
- (3) Administration of medications used in intermittent positive pressure breathing or other methods involving medication inhalation treatments;
- (4) Administration of medications by way of a tube inserted into a cavity of the body; and
- (5) Administration of medication by intravenous route.

(c) Exceptions:

- (1) Administration of medication may be delegated by a registered nurse provided the criteria for delegation in section 16-89-110 is met. The registered nurse shall be accountable for the decision to delegate as provided in section 16-89-112.
- (2) The registered nurse shall determine the appropriateness of the order.
- (3) Medication shall be administered as prescribed and when limited to:
 - (A) Pharmacy or authorized practitioner-prepared medication in aerosol forms;
 - (B) Doses of oral medications by mouth, gastrostomy, or J-tube, but not including PRN;

- (C) Subcutaneous injections of pre-measured maintenance doses of medication or medication or doses calculated by the nurse;
- (D) Enemas and rectal suppositories;
- (E) Topical medications; and
- (F) Ophthalmic and otic medications. [Eff 7/16/98] (Auth: HRS §457-5) (Imp: HRS §457-5)

§16-89-110 Criteria for delegation. (a) The delegating registered nurse shall teach an unlicensed assistive person special tasks of nursing care and verify the unlicensed assistive person's competency to perform the special tasks, provided the delegating registered nurse shall first:

- (1) Consider the nature of the special task to be provided, its complexity, the risks involved, and the skills needed to satisfactorily carry out the task;
- (2) Assess the client's condition and determines that there is no jeopardy to the client if the unlicensed assistive person performs the task in the absence of direct supervision by the registered nurse;
- (3) Assess the ability of the unlicensed assistive person to perform the special task;
- (4) Determine if the unlicensed assistive person is prepared to effectively deal with the consequences, if there is some risk involved to the client;
- (5) Determine how frequently the client's condition shall be reassessed by the delegating registered nurse to determine whether the continued delegation of the task to the unlicensed assistive person is appropriate;
- (6) Determine the frequency of supervision of unlicensed assistive person;
- (7) Document the process used in deciding whether the task can be delegated to the unlicensed assistive person without jeopardizing the client's safety; and
- (8) Determine that the unlicensed assistive person will obtain the same or similar result as the delegating registered nurse in performing the special task.

(b) After completing the factors listed in subsection (a) the registered nurse shall do the following prior to delegating a task:

- (1) Teach as appropriate and verify the competency of the unlicensed assistive person being assigned the special task;
 - (2) Observe the unlicensed assistive person's performance of the special task to ensure the special task can be carried out safely and accurately;
 - (3) Leave written instructions, including a contingency plan to deal with unexpected occurrences for the unlicensed assistive person to use as a reference for performing a special task;
 - (4) Instruct the unlicensed assistive person that the special task being delegated is specific to that client only, shall not be applied to other clients, and shall not be taught to other care providers; and
 - (5) Document how the special task was taught; the unlicensed assistive person's understanding of, execution of, and reception to teaching; the content and type of instructions left for the unlicensed assistive person; evidence that the unlicensed assistive person understands any risks involved in performing the special task; evidence that the unlicensed assistive person was instructed that the special task is client-specific and not applicable to other clients and should not be taught to other care providers; how frequently the client should be reassessed by the registered nurse regarding continued delegation of the special task to the unlicensed person, and how frequently the unlicensed assistive person should be supervised.
- (c) The registered nurse shall have the authority to immediately rescind at any time the delegation of a special task. [Eff 7/16/98] (Auth: HRS §457-5) (Imp: HRS §457-5)

§16-89-112 Accountability. When the registered nurse delegates the responsibility to perform a special task to an unlicensed assistive person, the nurse shall be held accountable for the decision to delegate. The registered nurse shall be accountable for the adequacy of nursing care to the client, provided that the unlicensed assistive person performed the special task as instructed and directed by the delegating registered nurse. [Eff 7/16/98] (Auth: HRS §457-5) (Imp: HRS §457-5)

§16-89-114 Supervision. (a) Supervision of an unlicensed assistive person requires that the delegating registered nurse perform the following activities:

- (1) Provide initial evaluation of the client;

- (2) Develop a written nursing plan and program in accordance with professionally recognized standards of nursing care, including long and short-term goals;
- (3) Continuously assess the training, education, experience, and competence of unlicensed assistive personnel to perform delegated special tasks;
- (4) Select and delegate appropriate portions of the treatment plan and program;
- (5) Direct and supervise unlicensed assistive personnel in delegated functions;
- (6) Reevaluate the client and adjust the nursing plan as acceptable nursing practice requires, consistent with the delegated special task; and
- (7) Provide discharge planning.

(b) The supervision of unlicensed assistive personnel shall be by a registered nurse currently licensed pursuant to chapter 457, HRS, and this chapter, and the requirements on the utilization of unlicensed assistive personnel as defined in this subchapter shall also be in accordance with professionally recognized standards of nursing care. [Eff 7/16/98] (Auth: HRS §457-5) (Imp: HRS §457-5)

Amendment to chapter 16-89, Hawaii Administrative Rules, on the Summary Page dated May 1, 1998, was adopted on May 1, 1998, following a public hearing held on the same date, after public notice was given in The Honolulu Advertiser on March 29, 1998.

This amendment shall take effect ten days after filing with the Office of the Lieutenant Governor.

/s/ Darryl Ing
DARRYL ING, Chairperson
Board of Nursing

APPROVED AS TO FORM: Date: _____

/s/ Shari J. Wong
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APPROVED: Date: 6/23/98

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APPROVED: Date: 7/2/98

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July 6, 1998
Filed

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

Amendment to Chapter 16-89
Hawaii Administrative Rules

May 1, 1998

SUMMARY

A new subchapter 15 (§§16-89-100 through 16-89-114) is added.